

Staff Summary Report



Planning & Zoning Commission Date:

12/09/03

Agenda Item Number: 1

SUBJECT: Hold a public hearing for City of Tempe Zoning and Development Code, requesting public input.

COMMENTS: **ZONING AND DEVELOPMENT CODE (0414)** Hold a public hearing for **CITY OF TEMPE – ZONING AND DEVELOPMENT CODE** (City of Tempe, applicant) **Ordinance 2003.36 #ZON-2003.19** for the proposed Zoning and Development Code. This Code will implement Tempe's General Plan and promote public health, safety, convenience, aesthetics and welfare. It encourages the efficient use of land, sustainable land use and building practices, transportation options and accessibility, and crime prevention. It will require timely citizen involvement in land use decision-making, and promote efficiency in development review and land use administration. The Code will regulate, among other things, building heights, setbacks, parking, landscaping and signs. It will also regulate what uses are allowed in a building and include procedures for requesting approval of a project. The proposed code will combine the CCR, C-1 and C-2 zoning districts into the CSS district and broaden the standards and uses allowed. It will also combine the I-1 and I-2 zoning districts into the LID district. A copy of the proposed code is on file with the City Clerk's Office.

PREPARED BY: Fred Brittingham, Project Manager (480-350-8437)

REVIEWED BY: Steve Venker, Planning & Zoning Manager (480-350-8920)

LEGAL REVIEW BY: Cliff Mattice, Assistant City Attorney (480-350-8227)

FISCAL NOTE: N/A

RECOMMENDATION: Approval. Staff also recommends some changes to the proposed code as noted in the attachments.

ADDITIONAL INFO: The *draft* Zoning and Development Code is the result of nearly three years of work by a Citizens Advisory Committee, Tempe citizens, consultants and staff. During this time over 450 participants have provided input and suggestions on the content and format of the code. We have utilized focus groups, interviews, case studies and open houses to solicit input. We also established a code rewrite web page, www.tempe.gov/rewrite. The web page contains the history of the code work, the current draft of the code, minutes from the meetings we have held and the comments received to date.

Zoning codes establish standards for buildings and their uses. For example, codes define how tall a building may be and how close they may be to an adjacent building or street. They also determine what uses a building may contain and regulate signs, landscaping, lighting and parking requirements. Codes also contain procedures for processing applications and establish the authority of various City boards and commissions.

The existing zoning code was established in 1976 and was focused on outward growth. Tempe has since transformed from a growth community to one that is focused on reinvestment, revitalization and redevelopment. The proposed code is intended to address Tempe's future development needs. A key to Tempe's future is maintaining a variety of housing options and preserving our neighborhoods. We must also re-establish our shopping and employment options so that Tempe continues to attract new investment and jobs. Sales taxes will continue to be a critical part of our economic stability and the proposed code offers options for revitalizing our shopping centers.

We have attached all comments received to date. We have also prepared staff recommendations for modifications to the proposed code. Those recommendations are attached in the form of "strike out" versions of the pages in the code where they would occur. Following each strike out, we have included a brief explanation of each recommendation. Each explanation is in parentheses and italics to hopefully make it visible. As the page numbers may have changed due to the strike outs, please refer to the section numbers instead of the page numbers if you compare the edited pages to

the complete Code

- ATTACHMENTS:**
1. List of Attachments
 - 2-3. Comments received before 11/12
 4. History & Facts
-
- A. Staff Recommendations
 - B. Comments received after 11/12
 - C. Comments received before 11/12
 - D. Public Comments
 - E. Executive Summary
 - F. Proposed Zoning and Development Code (Previously distributed)

COMMENTS: The current zoning ordinance was enacted in September 1976. At that time Tempe was like most communities in the valley. Our growth patterns were based on converting agricultural land to other uses. Today, Tempe is the first city in the valley that must confront “build out”.

In February of 2001 we selected a consultant (OTAK) to conduct the code rewrite efforts. We then assembled a Citizens Advisory Committee (CAC) to function as a “sounding board” for ideas as well as to generate their own comments on a potential new code. This committee was comprised of private citizens, members of various city boards and commissions that work with the code and volunteers from the private sector who process applications in Tempe. Several of them also serve on their neighborhood or homeowners association boards. They created mission, goals and objectives statements as follows:

Mission: To implement the City of Tempe’s General Plan and encourage creative development of the built environment in order to build community and promote the livability and uniqueness of Tempe.

Goals: To construct the City of Tempe’s development regulations and procedures in order to implement the vision of the General Plan and to

- Promote efficient use of public and private resources,
- Provide timely citizen involvement in the development review process,
- Ensure proper and fair application of development regulations,
- Make regulations understandable and easy to use, and
- Encourage application of smart growth principles.

The Citizens Advisory Committee and Planning and Zoning Commission have adopted a working definition of smart growth that means development that uses land efficiently (i.e. through infill and redevelopment), provides transportation options, mixes compatible uses, conserves natural resources, encourages sustainable building practices and is pedestrian-oriented in its design.

Objectives:

The regulatory rewrite project should focus on three objectives:

- 1) *Update Tempe’s zoning ordinance and development standards to encourage smart growth and implement Tempe’s neighborhood plans.*

Tempe has begun the transition to responsible infill and redevelopment. The city’s downtown development, neighborhood strategic and specific plans, redevelopment plans and mixed use zones, are examples of that. The regulatory rewrite will focus on removing obstacles to responsible infill and redevelopment. For example, zoning regulations that inappropriately separate compatible land uses, encourage low- density development or promote automobile dependency, will be identified and alternative language will be recommended for review by stakeholders.

- 2) *Review, revise and coordinate Tempe’s regulations to simplify, clarify and improve the development review process. Regulatory changes should improve the review process for applicants, staff, decision- makers and other stakeholders.*

Tempe’s development review process will be more efficient and supportive of smart growth if the City’s subdivision, crime prevention, design review building and engineering standards are compatible and foster creativity and livability. The code audit will identify conflicts and recommend ways to reconcile them. The final rewrite product will integrate the regulations that the city uses in its development review process.

3) *Balance certainty with flexibility.*

Tempe's regulations need to balance specificity of intent with flexibility for change. The built environment is constantly evolving and taking new forms. The regulatory rewrite will focus on constructing development regulations and review procedures that clearly and consistently describe the city's expectations, while providing options and incentives.

Using these guiding principles, the consultants conducted interviews, focus groups, utilized citizen questionnaires/web page comments and photo surveys by citizens to determine what they like and don't like about Tempe. Over three hundred people participated in this effort. The consultant also reviewed all the documents the city uses to regulate development.

OTAK utilized this research to create the "tool box". This is a compilation of the comments and a list of potential changes to the code to address them. This concept was presented to the CAC, Planning Commission and City Council in the summer of 2001. All three agreed that this was a valid approach to creating change and the consultant started to draft the code over the next year.

They delivered the first draft of the code in three modules or parts. Each module was presented to the CAC and staff for review as it was completed. However, no changes were made to the document until all three modules were reviewed. We then had an all day meeting with the CAC to review all three sets of comments and produce the changes to the draft. The consultant then rewrote the draft into one document.

In September we hosted three case study meetings with the community. Prior to the meetings, the consultant selected three existing sites within Tempe and redesigned them using the standards in the proposed code. We presented the revised designs at the meetings and received feedback on them.

The consultant utilized the feedback to redraft the code. We presented the next draft to the CAC in February of 2003 and received their input. The consultant then completed the final draft of the code. Staff presented it to the City Council in July and they gave us direction to proceed with the public comment and hearing process.

Staff has meet with several civic, neighborhood and business groups about the code. We have received comments from city boards and commissions and anticipate more will follow. In September we conducted three open houses that, combined, had over 150 attendees. We received significant feed back on the proposed code at these meetings. Those comments were added to our web page comments and are attached to the report. Since the previous public hearing, staff has received some additional comments and they are also attached.

As noted on the front page of the report, we have prepared a list of staff recommended changes to the Code. We have provided them as strike out copies of the pages where they would occur. However, please look at the section numbers for reference as the pagination will have changed with the strikeouts.

To assist in reviewing the staff's recommendations we have provided a brief summary of our reasoning for each recommendation. Some are simply grammar or spelling changes while others have more substance to them. All the recommendations are enclosed in parentheses and are italicized. Staff's recommendations are specific in language and location. While we would like the Commission's recommendations to be specific also, we fully recognize that you may need to make general recommendations to the Council that will need follow up by staff if they are implemented by the Council.

HISTORY & FACTS:

February-May 2001

Project commenced with formation of the Citizens Advisory Committee (CAC) and selection of the consultant (OTAK). OTAK conducted research, interviews and focus groups to establish what our community and users of our codes liked in the current code and what they would like to see changed. This work culminated in a “tool box” of ideas that included the ideas for change and the consultant’s thoughts on possible solutions. A web page was created that contained the questions asked by the consultant and many people chose to participate by sending their comments to the web page.

June 2001

The toolbox was presented to the Planning Commission, CAC and the City Council. All three recommended we use it to start to draft the new code.

July – October 2001

OTAK started writing the first draft of the proposed code. They delivered it in three parts (or modules).

November 2001

CAC and staff reviewed the first module and offered suggestions for changes. None of the changes were implemented until all three modules had been delivered and reviewed.

February 2002

The second module was delivered and reviewed by the CAC and the staff. Also, as the result of a public open house on the code rewrite effort, we added three more members to the CAC.

April 2002

The CAC and staff met to review the third module.

May 2002

The CAC and staff met for an all day review of the combined comments on all three modules.

September 2002

The consultant’s utilized the then draft of the code to prepare three case studies. These utilized existing projects and redesigned them using the new code standards. We then hosted three open houses and showed the case studies to the CAC, neighbors, architects and developers.

October 2002 –
January 2003

OTAK rewrote the code based the feedback from the CAC and the case studies.

January 2003

CAC reviewed the draft changes and gave input on the final draft.

February –June 2003

OTAK revised the proposed code.

July 2003

The City Council directed staff to initiate the public input and public hearing process. We sent out 80,000 postcards, advertised in Tempe Today, on Tempe 11 and with press releases to announce the three open houses we scheduled.

July – September 2003

Staff attended neighborhood, civic and business group meetings to review the proposed code. We also attended city boards and commission meetings to discuss the proposed code and receive feed back.

September 2003

Three open houses had over 150 total attendees. The comments gathered at these meetings were added to our web page comments.

October 2003

We advertised the Planning Commission Public Hearings through our public hearing requirements, Tempe Today, Tempe 11, press releases, web page notice, and notices to Neighborhood and Homeowners Associations.

November 12, 2003

The Planning Commission held their first public hearing on the proposed Code. Several citizens spoke about the Code. Most were supportive of the project but they all had some concerns with the proposed Code.

.